

# House File 2405 - Introduced

HOUSE FILE 2405  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2165)

## A BILL FOR

1 An Act prohibiting a cause of action for wrongful birth  
2 or wrongful life, and including effective date and  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION. 613.15B Wrongful birth or wrongful  
2 life cause of action — prohibitions — exception.

3     1. A cause of action shall not arise and damages shall not  
4 be awarded, on behalf of any person, based on a wrongful birth  
5 claim that, but for an act or omission of the defendant, a  
6 child would not or should not have been born.

7     2. A cause of action shall not arise and damages shall not  
8 be awarded, on behalf of any person, based on a wrongful life  
9 claim that, but for an act or omission of the defendant, the  
10 person bringing the action would not or should not have been  
11 born.

12     3. The prohibitions specified in this section apply to any  
13 claim regardless of whether the child is born healthy or with a  
14 birth defect or disorder or other adverse medical condition.  
15 However, the prohibitions specified in this section shall  
16 not apply to a civil action for damages for an intentional  
17 or grossly negligent act or omission, including any act or  
18 omission that constitutes a public offense.

19     Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate  
20 importance, takes effect upon enactment.

21     Sec. 3. APPLICABILITY. This Act applies on or after the  
22 effective date of this Act to causes of action that accrue on  
23 or after that date. A cause of action that accrues before the  
24 effective date of this Act is governed by the law in effect  
25 prior to the effective date of this Act.

26                                   EXPLANATION

27                   The inclusion of this explanation does not constitute agreement with  
28                   the explanation's substance by the members of the general assembly.

29     This bill relates to causes of action for wrongful birth and  
30 wrongful life.

31     The bill prohibits a cause of action and the awarding of  
32 damages on behalf of a person, based on a wrongful birth claim  
33 that, but for an act or omission of the defendant, a child  
34 would not or should not have been born.

35     The bill also prohibits a cause of action and the awarding of

1 damages on behalf of any person, based on a wrongful life claim  
2 that, but for an act or omission of the defendant, the person  
3 bringing the action would not or should not have been born.

4 The prohibitions apply to any claim regardless of whether  
5 the child is born healthy or with a birth defect or disorder  
6 or other adverse medical condition. However, the bill does  
7 not apply to a civil action for damages for an intentional  
8 or grossly negligent act or omission, including any act or  
9 omission that constitutes a public offense.

10 The bill takes effect upon enactment and applies to a cause  
11 of action that accrues on or after the effective date of the  
12 bill. A cause of action that accrues before that date is  
13 governed by the law applicable to such a cause of action prior  
14 to that date.

15 The bill, in part, is a response to the Iowa supreme court's  
16 decision in *Plowman v. Fort Madison Community Hospital*, No.  
17 15-0974 (June 2, 2017), holding, in part, that a wrongful birth  
18 action fits within common law tort principles governing medical  
19 negligence claims.